

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROYAL INDIAN RAJ
INTERNATIONAL CORPORATION,

Plaintiff,

v.

DOMAINS BY PROXY, INC.,
WESTHOST, INC.,
BILL ZACK,
ANN ZACK,
DIRECT INFORMATION PVT LTD.
(d/b/a DIRECTI)
PIRADIUS NET, and
JOHN DOES 1-7

Defendants

08-cv-03445

Hon. John G. Koeltl

**DEFENDANT, WILLIAM ZACK'S,
SPECIAL PLEA AND STATEMENT OF
AFFIRMATIVE DEFENSES**

NOW COMES the defendant, William Zack, by and through his attorneys, Cleveland, Waters and Bass, P.A., and submits the following Special Plea and Statement of Affirmative Defenses:

1. All statements published by the defendant relative to Royal Indian RAJ International Corporation ("RIRIC") are true.

2. The plaintiff's claims are barred by the doctrine of unclean hands.

3. There is no causal connection between any activity on the part of Mr. Zack and the plaintiff's alleged damages.

4. Plaintiff's alleged damages are grossly overstated.

5. Mr. Zack's activities are protected by the first amendment of the United States Constitution.

6. Plaintiff's amended complaint fails to state a cause of action upon which relief can be granted.

7. The plaintiff has an adequate remedy at law.

8. The plaintiff has not, and will not, suffer irreparable harm.

9. Awarding the plaintiff its requested relief would not be in the public interest.

10. The balance of harm falls in favor of Mr. Zack.

11. Discovery in this matter has yet to commence and the defendant reserves the right to supplement this pleading with notice to the plaintiff.

WHEREFORE, your defendant, William Zack, notifies the plaintiff and this Honorable Court that he reserves the right to raise the foregoing defenses of the trial of this matter or before by him by appropriate motion.

Respectfully submitted

WILLIAM ZACK
By and through her Attorneys,
CLEVELAND, WATERS AND BASS, P.A.

Date: September 5, 2008

By: /s/ William B. Pribis
William B. Pribis
(NH Bar No. 11348)
Two Capital Plaza
P. O. Box 1137
Concord, NH 03302-1137
Tel. No. (603) 224-7761
Fax. No. (603) 224-6457
E-mail pribisw@cwbp.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded this 5th day of September, 2008 to Matthew David Brozik, Esquire.

/s/ William B. Pribis
William B. Pribis